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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/976,091

10/15/2001

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004770.00549

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22907 7590 07/03/2008

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EXAMINER

PATEL, NIRAV B

ART UNIT

PAPER NUMBER

2135

MAIL DATE

DELIVERY MODE

07/03/2008

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 09/976,091	<b>Applicant(s)</b> OSKARI, KOSKIMIES	
	<b>Examiner</b> NIRAV PATEL	<b>Art Unit</b> 2135	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 26 March 2008 (Amendment).
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 48-85,92 and 95-107 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 48-85,92 and 95-106 is/are rejected.
- 7) ☐ Claim(s) 107 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

### **DETAILED ACTION**

1. Applicant's amendment filed on March 26, 2008 has been entered. Claims 48-85, 92, 95-102, 103-107 are pending. Claims 48, 59, 80, 92, 99 are amended and claims 103-107 are newly added by the applicant.

### **Claim Rejections - 35 USC § 103**

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 48-50, 54-71, 77, 80-85, 92, 95-101 and 103-105 are rejected under 35 U.S.C. 103(a) as being unpatentable over Theimer et al (US Patent No. 5,649,099) in view of Guski et al (US Patent No. 6,711,679) and in view of Davis et al (US Patent No. 6,088,450).

As per claim 48, Theimer teaches:

a first electronic key device authorized to unlock an electronic lock device and configured to generate an electronic ticket for providing a second electronic key device authorization to unlock the electronic lock device [Fig. 1A, 1B, 2C, col. 7 lines 54-63, col. 11 lines 61-67, col. 12 lines 1-16], wherein the ticket is transmittable from the first

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electronic key device to the second key device and wherein the ticket is electronically signed by the first electronic key device [Fig. 1B, 2C, col. 11 lines 63-64].

Guski teaches: the electronic ticket comprising a public key corresponding to the second key device [Fig. 5, col. 7 lines 27-29], wherein the ticket is transmittable from the first electronic key device to the second key device and wherein the ticket is electronically signed by the first electronic key device using a private key of the first electronic key device [Fig. 3, col. 7 lines 20-21].

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine Guski with Theimer, since one would have been motivated to provide security in a multi-tier network environment and provide delegating authentication and authority [Guski, col. 3 lines 50-51, col. 1 lines 9-12].

Davis teaches:

the public key corresponding to the second key device is configured to decrypt a code issued by the electronic lock device and encrypted by the second key device [col. 7 lines 17-34, Fig. 6c].

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine Davis with Theimer and Guski, since one would have been motivated to mitigate the likelihood of unauthorized use of an electronic device through periodic challenge/response message [Davis, col. 1 lines 25-28].

As per claim 49, the rejection of claim 48 is incorporated and Guski teaches

the first key device is configured to wirelessly communicate using Bluetooth short range communication protocol [col. 6 lines 17-23].

As per claim 50, the rejection of claim 48 is incorporated and Theimer teaches said electronic lock device is a virtual lock device in a form of a software module controlling access to digital resources [Fig. 1A].

As per claim 54, the rejection of claim 48 is incorporated and Guski teaches: wherein at least one of the first and second key devices comprises a portable wireless device [col. 6 lines 17-30].

As per claim 55, the rejection of claim 54 is incorporated and Guski teaches: wherein at least one of the first and second electronic key devices comprises a wireless telephone [col. 6 lines 17-30].

As per claim 56, the rejection of claim 54 is incorporated and Guski teaches: wherein at least one of the first and second electronic key devices is wearable by the user [col. 6 lines 17-30].

As per claim 57, the rejection of claim 48 is incorporated and Guski teaches: wherein the first key devices includes a power source, a processor, non-volatile memory and a transmitter/receiver unit [Fig. 1].

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As per claim 59, it encompasses limitations that are similar to limitations of claim 48.

Thus, it is rejected with the same rationale applied against claim 48 above.

As per claims 60 and 61, the rejection of claim 59 is incorporated and they encompass limitations that are similar to limitations of claim 50. Thus, they are rejected with the same rationale applied against claim 50 above.

As per claim 62, the rejection of claim 59 is incorporated and Guski teaches:  
the one or more electronic tickets further comprise access limits [col. 7 lines 29-30].

As per claim 63, the rejection of claim 62 is incorporated and Guski teaches:  
wherein the access limits include time of day [col. 7 line 29].

As per claim 64, the rejection of claim 62 is incorporated and Guski teaches:  
wherein the access limits include authorization to generate further electronic tickets [col. 7 lines 33-35].

As per claim 65, the rejection of claim 59 is incorporated and Theimer teaches:  
wherein the one or more electronic tickets are transmittable to one or more lock devices [Fig. 1A].

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As per claims 66 and 67, the rejection of claim 65 is incorporated and they encompass limitations that are similar to limitations of claim 50. Thus, they are rejected with the same rationale applied against claim 50 above.

As per claim 68, the rejection of claim 59 is incorporated and Guski teaches: wherein at least one of the first and second electronic key devices includes a display for indicating the number of available electronic tickets [Fig. 1].

As per claim 69, the rejection of claim 59 is incorporated and Guski teaches: wherein the one or more electronic tickets include an expiration date [col. 7 line 29].

As per claim 70, the rejection of claim 59 is incorporated and Guski teaches: wherein the one of electronic ticket includes time of day restriction [col. 7 line 29]

As per claim 71, the rejection of claim 70 is incorporated and Guski teaches: wherein said additional information contains user-related information [col. 7 lines 27-29].

As per claim 77, the rejection of claim 59 is incorporated and Theimer teaches: said lock device stores a list of invalid key devices and denies authorization to any one of the key devices in the list of invalid key devices [col. 2 lines 40-41].

As per claim 80, it encompasses limitations that are similar to limitations of claim 48. Thus, it is rejected with the same rationale applied against claim 48 above.

As per claim 81, the rejection of claim 80 is incorporated and it encompasses limitations that are similar to limitations of claim 50. Thus, it is rejected with the same rationale applied against claim 50 above.

As per claim 83, the rejection of claim 80 is incorporated and Theimer teaches: wherein the second electronic key device including a control device configured to load the private key into second electronic key device remotely and electronically [Fig. 4C].

As per claim 84, the rejection of claim 80 is incorporated and Theimer teaches: wherein the control device further loads data into at least one other key device [Fig. 4C].

As per claim 85, the rejection of claim 80 is incorporated and Theimer teaches: wherein confirmation data is input into the control device which forwards confirmation to the first key device [Fig. 4C].

As per claim 92, it encompasses limitations that are similar to limitations of claim 48. Thus, it is rejected with the same rationale applied against claim 48 above.



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As per claim 95, the rejection of claim 92 is incorporated and it encompasses limitations that are similar to limitations of claim 54. Thus, it is rejected with the same rationale applied against claim 54 above.

As per claim 96, the rejection of claim 92 is incorporated and it encompasses limitations that are similar to limitations of claim 62. Thus, it is rejected with the same rationale applied against claim 62 above.

As per claim 97, the rejection of claim 96 is incorporated and it encompasses limitations that are similar to limitations of claim 63. Thus, it is rejected with the same rationale applied against claim 63 above.

As per claim 98, the rejection of claim 96 is incorporated and it encompasses limitations that are similar to limitations of claim 64. Thus, it is rejected with the same rationale applied against claim 64 above.

As per claim 99 it encompasses limitations that are similar to limitations of claim 48. Thus, it is rejected with the same rationale applied against claim 48 above.

As per claim 100, the rejection of claim 99 is incorporated and it encompasses limitations that are similar to limitations of claim 62. Thus, it is rejected with the same rationale applied against claim 62 above.

As per claim 101, the rejection of claim 100 is incorporated and it encompasses limitations that are similar to limitations of claim 63. Thus, it is rejected with the same rationale applied against claim 63 above.

As per claim 103, it encompasses limitations that are similar to limitations of claim 48. Thus, it is rejected with the same rationale applied against claim 48 above.

As per claim 104, the rejection of claim 100 is incorporated and Davis teaches: unlocking a lock device in response to determining that the decrypted code matches the issued code [col. 7 lines 28-34, col. 6 lines 30-32].

As per claim 105, the rejection of claim 100 is incorporated and Davis teaches: the issued code comprises a number [col. 7 lines 16-19].

3. Claims 51 and 82 are rejected under 35 U.S.C. 103(a) as being unpatentable over Theimer et al (US Patent No. 5,649,099) in view of Guski et al (US Patent No. 6,711,679) in view of Davis et al (US Patent No. 6,088,450) and in view of Shin et al (US Patent No. 5,987,134).

As per claim 51, the rejection of claim 48 is incorporated and Shin teaches said electronic lock device stores public keys for a plurality of authorized key holders [Fig. 5 component 101].

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine Shin with Theimer, Guski and Davis, since one would have been motivated to authenticate the user's access rights to resources and prevent the reply attack [Shin, col. 1 lines 10-11, col. 2 line 14].

As per claim 82, the rejection of claim 80 is incorporated and Shin teaches:

wherein at least one of the first and second electronic key devices is not user-interactive [Fig. 1].

4. Claims 52, 53, 78, 79 and 102 are rejected under 35 U.S.C. 103(a) as being unpatentable over Theimer et al (US Patent No. 5,649,099) in view of Guski et al (US Patent No. 6,711,679) in view of Davis et al (US Patent No. 6,088,450) and in view of Scott et al (US Patent No. 6,484,260).

As per claim 52, the rejection of claim 48 is incorporated and Scott discloses:

the public key is stored in a plurality of lock devices for which entry is authorized for said key device [col. 6 lines 29-31 "access to one or more secure host facilities 4 only to registered persons", col. 7 lines 24-27].

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine Scott with Theimer, Guski and Scott, since one would have been motivated to provide secure access to a host facility [Scott, col. 1 lines 47-49].

As per claim 53, the rejection of claim 48 is incorporated and Scott discloses:

a different public key is stored in each lock device for which entry is authorized for said key device [col. 6 lines 30-31, col. 7 lines 24-34].

As per claim 78, the rejection of claim 59 is incorporated and further Scott teaches:

said electronic lock device stores a use counter for n-use electronic tickets [col. 8 lines 11-12].

As per claim 79, the rejection of claim 59 is incorporated and further Scott teaches:

said electronic lock device includes an identification number where the identification number is hierarchical in relation to one or more other lock device identification numbers [col. 5 lines 12-14].

As per claim 102, the rejection of claim 99 is incorporated and further Guski teaches transmitting the ticket to the electronic lock device for authentication [Fig. 3].

Further, Scott teaches: receiving a signal from the electronic lock device; encrypting the signal using a second private key of the first electronic key device; and transmitting the encrypted signal and the ticket to the electronic lock device for authentication [col. 10 lines 44-50, 63-67, col. 11 lines 9-28].

5. Claims 72-76 are rejected under 35 U.S.C. 103(a) as being unpatentable over Theimer et al (US Patent No. 5,649,099) in view of Guski et al (US Patent No. 6,711,679) in view of Davis et al (US Patent No. 6,088,450) and in view of Wang (US Patent No. 6,175,922).

As per claim 72, the rejection of claim 59 is incorporated and Wang teaches:

wherein the second key device stores additional information unrelated to the private key [Fig. 3A].

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine Wang with Theimer, Guski and Davis, since one would have been motivated to eliminate the security risks associated with techniques of approving transactions [Wang, col. 1 lines 15-17].

As per claim 73, the rejection of claim 72 is incorporated and Wang teaches:

wherein said additional information comprises a Social Security number [col. 6 lines 45-46].

As per claim 74, the rejection of claim 59 is incorporated and Wang teaches:

wherein at least one of the first and second electronic key devices includes a personal identification number [col. 6 lines 43-50].

As per claim 75, the rejection of claim 59 is incorporated and Wang teaches:

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wherein at least one of the first electronic key device, the second electronic key device and said electronic lock device includes authentication information in the form of coded information known to the user [col. 6 lines 43-50].

As per claim 76, the rejection of claim 59 is incorporated and Wang teaches:

wherein at least one of the first electronic key device, the second electronic key device and said electronic lock device includes authentication information in the form of a physical feature of the user [col. 6 lines 43-50].

6. Claim 106 is rejected under 35 U.S.C. 103(a) as being unpatentable over Theimer et al (US Patent No. 5,649,099) in view of Guski et al (US Patent No. 6,711,679) in view of Davis et al (US Patent No. 6,088,450) and in view of Swift et al (US Patent No. 7,113,994).

As per claim 106, the rejection of claim 48 is incorporated and Swift teaches:

the electronic ticket further includes a link key configured to authenticate the identity of the electronic lock device [Fig. 6, col. 7 lines 39-52].

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine Swift with Theime, Guski and Davis, since one would have been motivated to control services in the network [Swift, col. 1 lines 7-9].

### **Allowable Subject Matter**

7. Claim 107 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

### **Response to Amendment**

8. Applicant has amended claims 48, 59, 80, 92, 99 and added new claims 103 - 107, which necessitated new ground of rejection. See rejection above.

### **Conclusion**

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nirav Patel whose telephone number is 571-272-5936. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kim Vu can be reached on 571-272-3859. The fax and phone numbers for the organization where this application or proceeding is assigned is 571-273-8300. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 571-272-2100.

***NBP***

***7/01/08***

***/Kim Yen Vu/***

***Supervisory Patent Examiner, Art Unit 2135***